ANNUAL REPORT

OF

THE MANITOBA LABOUR-MANAGEMENT REVIEW COMMITTEE

JANUARY TO DECEMBER, 1987

September, 1988

90-00354/

THE MANITOBA LABOUR MANAGEMENT REVIEW COMMITTEE

409 - 401 YORK AVENUE
WINNIPEG, MANITOBA R3C 0P8
TELEPHONE 945-2491

The Honourable Ed Connery
Minister of Labour
Province of Manitoba
Room 156 Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Mr. Connery:

On behalf of the Manitoba Labour Management Review Committee, I have the honor to submit to you the Committee's Annual Report of the year ending December 31, 1987.

The Committee hopes the report will be informative and useful to members of the Legislative Assembly.

Yours truly,

G. C. MacLean, Q.C.
Chairperson

ANNUAL REPORT
OF
THE MANITOBA LABOUR-MANAGEMENT REVIEW COMMITTEE
JANUARY TO DECEMBER, 1987

ORIGIN AND BACKGROUND

The Manitoba Labour-Management Review Committee is commissioned to undertake a continuing and comprehensive review of labour legislation and labour-management relations in the Province.

This joint Committee, with equal representation from labour and management, came into being as the culmination of a process which began in 1963. Several joint labour-management seminars were held over a 12-month period which were designed to examine the main aspects of industrial relations in Manitoba. Labour and management representatives attended these sessions, and a consensus developed that the establishment of a permanent Committee representing both parties would make a valuable contribution to labour-management relations. In the Speech from the Throne of February, 1964, the government forecast action on this matter. Two months later the Committee was established and its existence was unanimously approved by a resolution of the Legislature.

PURPOSE

The joint Committee was designed to fulfill a twofold purpose. First, it was charged with the specific responsibility of reviewing labour legislation as embodied in various Acts of the Manitoba Legislature. The second purpose was to undertake, at the Committee's own discretion, a far reaching examination of common problems. There was no thought that these problems would necessarily be solved, but rather discussion would lead labour and management to a better understanding of each other's point of view. Ultimately, such an undertaking might lead to an intangible, but virtually important improvement, in labour relations within the Province. There is agreement progress has been made on both fronts.

STATEMENT OF PRINCIPLES

The principles which have guided the Committee in attempting to fulfill its purposes, adopted early in the Committee's history are as follows:

> That labour members have the obligation to look after the labour interests; that management members have the obligation to look after management interests; that each member should be prepared to cooperate with the Chairman and other members of the Committee and should have a sense of responsibility to the process itself, an attitude of integrity and good faith; that each member should approach the work with the intention of giving it honest support and effort, with the flexibility of mind and patience, avoiding prejudging; listening and evaluating carefully, in an attempt to understand the position of others and;
>
> That within the framework of the foregoing, the Committee should give recognition to the importance of legislation which protects fundamental rights and freedoms of employees, employers, unions and employer's associations, and enforcement provisions designed to induce appropriate patterns of behavior in labour relations.

MEMBERSHIP AND METHOD OF OPERATION

The Committee functions at various levels and through the operation of several groups.

From its inception until 1975, the membership of the Committee consisted of a Chairperson, a Vice-Chairperson and an equal number of labour and management members, nominated by several sponsoring groups. The Manitoba Federation of Labour was asked to name 12 labour representatives to the Committee. Organizations representative of management - The Canadian Manufacturers' Association, The Chamber of Commerce, the Mining Association of Manitoba Incorporated, and the Winnipeg Construction Association (Winnipeg Builders' Exchange) were asked jointly to name 12 members. In 1975, the Committee's membership was more than doubled to

include representatives of employees and employers in various public service areas of the Province, including the Provincial civil service, Crown corporations, health care facilities, public schools, universities and municipal government, including fire and police services. The expanded Committee also included representatives of agencies such as the Civil Service Commission, the Universities Grants Commission, and the Manitoba Health Services Commission which are representative neither of the employer nor the employee side, but nonetheless are interested in labour-management relations and the collective bargaining process in the public sector. The sponsoring groups are asked periodically to review their membership on the Committee and to name replacements as required. Nominations for membership on the Committee are submitted to the Minister of Labour for endorsement before informing the nominees of their formal appointment.

Meetings of the whole Committee are held at the discretion of the members.

Until September of 1982, a Sub-Committee, consisting of six labour and six management members equally representative of both the private and public sectors, existed to facilitate discussion of matters in detail and to plan the Committee's work within the guidelines established by the Committee as a whole. This group met more frequently and reported its recommendations to the whole Committee, for approval, rejection, or amendment.

The Committee also operated through two panels - one consisting of all the private sector labour and management members, the other of all representatives from the public services and agencies. The intent was to enable members to concentrate on their special areas of interest. Recommendations from either of these panels were reviewed by the Sub-Committee and were subject to final consideration by the whole Committee.

Following a review by the Sub-Committee of the existing Committee structure in 1980, two main objectives materialized: to reduce the unwieldy size of the Committee, while retaining its broad representative structure; and to simplify the structure itself.

In mid 1982, the Sub-Committee approved and forwarded to the Minister of Labour, a proposal providing for eleven sectors, with ten specific industrial sectors and one sector representing labour and management-at-large. Labour and management from each sector were asked to provide a nominee to the main Committee, for a total of twenty-two members.

Representation for these eleven sectors - Provincial Public Service, Schools, Labour and Management-At-Large, Mining and Processing, Manufacturing, Health, Construction, Municipal Public Service, Trade and Service, Utilities, and Universities - have since been nominated and appointed.

In 1987, the Committee was expanded to include a labour and management representative from a newly designated sector - Light Manufacturing. Labour and management representatives were nominated and appointed for this new sector.

The Committee has felt since its inception that, in general, free and frank discussions would be assisted if meetings were held in camera.

The minutes of the meetings and the report of working groups are therefore confidential to members of the Committee and no members are named in the proceedings. Formal communication with the government or outside groups is carried on at the discretion of the members.

From time to time the Committee decides to examine issues of broad interest to labour and management and therefore organizes seminars or conferences to which other interested individuals and groups are invited. The proceedings of these conferences are published when they are felt to be of lasting value and of interest to a wide readership.

The Committee is assisted in its work by the research facilities of Manitoba Labour. A staff person of Manitoba Labour also functions as the Committee's secretariat. In addition, the Department provides financial support for Committee conferences and for engaging outside experts to prepare studies or to address the Committee to assist it in gaining knowledge and perspective on particular problems.

When the Committee arrives at a decision, with majority support from each side, the recommendations for action are then forwarded to the government or the appropriate body. Such recommendations may or may not be made public at the Committee's discretion.

Labour and management members serve voluntarily on the Committee without remuneration for the time they devote to its work.

COMMITTEE ACTIVITIES - 1987

The Committee undertook and completed a number of projects in 1987. Among those were:

1. Training of Arbitrators:

   The curriculum for the Training of Arbitrators Pilot Program has been finalized and the Sub-Committee is currently receiving applications from individuals interested in participating in the program. It was agreed the pilot programs would consist of 10 people who have been sponsored by a labour or management representative of the Sub-Committee.

   The Training of Arbitrator Pilot Program will consist of three elements:

   (i) Formal (academic type) training consisting of four days of classes; students will learn the problems they may face as arbitrators; what labour and management representatives expect from an award; and the procedural and substantive aspects of arbitration.

   (ii) Internship training in which students will attend arbitrations conducted by experienced arbitrators and prepare mock awards.

(iii) A final one day seminar where students will be expected to explain mock awards they have prepared and engage in problem solving exercises.

The formal training of students in scheduled to begin on February 13, 1988.

2. Pay Equity - Sub-Committee

The Pay Equity Sub-Committee had numerous meetings in 1987 and agreed to submit two separate reports to the main Committee in midyear. These reports are currently being reviewed and discussed by the Committee.

3. Final Offer Selection - Sub-Committee

Labour and management representatives met a number of times to discuss the concept of Final Offer Selection as a means of reaching contract settlements without lengthy strikes and/or lockouts. Prior to the release of a final report(s) from the Sub-Committee, the government introduced and passed Final Offer Selection legislation in the Legislature. Two reports, representing labour's and management's views on Final Offer Selection were forwarded to the Minister of Labour after the legislation was introduced.

4. Essential Services in Health Care Facilities:

In 1983 the Committee reported on the signing of a memorandum of agreement with respect to maintenance of essential services in health care facilities. As provided for in the umbrella agreement, these facilities and all related unions have since then been negotiating individual, detailed, essential services designation agreements. A number of these agreements have been signed and negotiations are continuing on a number of others. A list of agreements signed to date is given in Appendix A.

As reported last year a number of issues have arisen in the course of implementing some essential service agreements, and these have been referred to the health sector working group. Discussions on these are continuing.

5. Construction Review Sub-Committee

Although the Construction Review Sub-Committee held no meetings during the year, it remains important that the members be available to deal with problems as they develop in the industry in order to ensure continued harmonious relationships between labour and management.

6. Unjust Dismissal - Sub-Committee

The Unjust Dismissal Sub-Committee met a number of times and presented a report to the main Committee March of 1987. The report is currently being reviewed by the committee.

7. New Mechanisms for Greater Labour Management Cooperation - Sub-Committee

Labour and management representatives on this Sub-Committee considered many different topics concerning enhanced labour management cooperation in the workplace. An internal report was submitted to the main Committee outlining the areas covered and a proposal to explore, to a greater extent, employee assistance programs. The committee is now examining the various issues surrounding employee assistance programs and are researching the establishment of a pilot program.

8. Plant Closure - Sub-Committee

The Plant Closure Sub-Committee have met a number of times to discuss various issues surrounding plant closure. Labour and management representatives agreed to develop separate reports and then exchange them in an effort to find common ground.

APPENDIX A

ESSENTIAL SERVICES AGREEMENTS

IN HEALTH CARE FACILITIES

SIGNED TO DATE

ESSENTIAL SERVICE AGREEMENTS

CONCORDIA GENERAL HOSPITAL	- Manitoba Association of Health Care Professionals
	- Manitoba Organization of Nurses' Associations
GRACE GENERAL HOSPITAL	- Manitoba Organization of Nurses' Associations
	- Manitoba Association of Health Care Professionals
HEALTH SCIENCES CENTRE	- Canadian Union of Public Employees, Local 1550
	- Canadian Union of Public Employees, Local 1550 (X-Ray Technologists' Component)
	- Manitoba Organization of Nurses' Association
	- Manitoba Government Employees Association (Department of Social Work)
	- Manitoba Association of Health Care Professionals
MISERICORDIA GENERAL HOSPITAL	- Manitoba Organization of Nurses' Association
CITY OF WINNIPEG MUNICIPAL HOSPITALS	- Manitoba Organization of Nurses' Association
ST. BONIFACE GENERAL HOSPITAL	- Manitoba Food & Commercial Workers, Local 832
	- Manitoba Organization of Nurses' Associations
SEVEN OAKS GENERAL HOSPITAL	- Manitoba Organization of Nurses' Associations

THE PAS HEALTH COMPLEX	- Manitoba Organization of Nurses' Associations
VICTORIA GENERAL HOSPITAL	- Manitoba Organization of Nurses' Associations
	- Manitoba Association of Health Care Professionals
WESTMAN REGIONAL LABORATORY SERVICES INC. (Brandon)	- Manitoba Association of Health Care Professionals

APPENDIX B

COMMITTEE MEMBERSHIP

AND

SUB-COMMITTEE MEMBERSHIP

COMMITTEE MEMBERSHIP

SECTOR

MANAGEMENT		LABOUR
Paul Hart	Provincial Public Services	John Pullen
Ray Whiteway	Schools	Wally Pindera
	Labour/Management-at-Large	Wilf Hudson
Winton Newman	Mining and Processing	Eugene Laye
David Negus	Manufacturing	
Gary Steiman	Light Manufacturing	Bill Haiko
Doug Machan	Health	Irene Giesbrecht
Lloyd Simmons	Construction	Leo Desilets
Rick Boyd	Municipal Public Service	Charles Carlson
John Read	Trade and Service	Bernard Christophe
Al Macatavish	Utilities	Bob Sproule
Ken Poole	Universities	Neil Tudiver

Chairperson	G. Campbell MacLean
Vice-Chairperson	John Atwell
Secretary	Dave Dyson
Government Representative	Tom Bleasdale

ARBITRATION ADVISORY COMMITTEE

LABOUR	MANAGEMENT
Wally Pindera	Doug Machan
Wilf Hudson	Ray Whiteway
John Pullen	

Chairperson	Jack Chapman
Ex-Officio	John Atwell
Government	Tom Bleasdale
Secretary	Dave Dyson
Program Coordinator	Gari Whelon

SUB-COMMITTEE - NEW MECHANISMS FOR GREATER LABOUR-MANAGEMENT COOPERATION

LABOUR	MANAGEMENT
Irene Giesbrecht	Rod Leduc
Wilf Hudson	John Shields
	Dale Powell
	Doug Machan
	Al Macatavish

Coordinator	Jim Davage

SUB-COMMITTEE - PROTECTION FROM UNJUST DISMISSAL

LABOUR	MANAGEMENT
Leo Desilets	Ray Whiteway
Wally Pindera	Terry Cooper
	Eric Nernberg

Coordinator Dewey Merrett

SUB-COMMITTEE - FINAL OFFER SELECTION

LABOUR	MANAGEMENT
Wilf Hudson	Don Sheehan
Bernard Christophe	Denis Sutton
	Barry Letters
	Winton Newman

Coordinator Tom Beggs

SUB-COMMITTEE - PAY EQUITY

LABOUR	MANAGEMENT
Keith Norton	Darlene Hildebrandt
Eugene Laye	Joe Norwich
	David Newman
	Rick Boyd
	Daniele Chartier

Coordinator — Norm Pound

SUB-COMMITTEE - PLANT CLOSURE

LABOUR	MANAGEMENT
Eugene Laye	Bill Gardner Jr.
Chris Monk	Dan Quesnell
	Dave Negus

Coordinator — Jim Murdock

SUB-COMMITTEE - CONSTRUCTION

Labour	Management
Leo Desilets	Robert Glass
William Iverson	Maurice Steel
G. Dobbie	Paul Herriot
Jerry Bentley	H. Rattal
Art Cameron	Cliff Olson
	Lloyd Simmons

G. Campbell MacLean
John Atwell
Tom Bleasdale
Michael Dziewit

HOSPITAL SECTOR WORKING PARTY

- for Essential Service Agreement

LABOUR	MANAGEMENT
Peter Olfert	Ron Birt
Clive Derham	Tony Quaglia
Irene Giesbrecht	Rod Thorfinnson
George Smith	Ted Bartman

Chairperson	G. Campbell MacLean
Vice-Chairperson	John Atwell